

## CHAPTER 2021-118

### House Bill No. 7009

An act relating to a review under the Open Government Sunset Review Act; amending s. 943.053, F.S., which provides an exemption from public record requirements for juvenile information compiled by the Criminal Justice Information Program from intrastate sources; removing the scheduled repeal of the exemption; amending s. 985.04, F.S., which specifies that certain arrest records of juvenile offenders are not exempt from public record requirements; removing the scheduled repeal of the exemption; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraphs (b) and (c) of subsection (3) of section 943.053, Florida Statutes, are amended to read:

943.053 Dissemination of criminal justice information; fees.—

(3)

~~(b)1.~~ Criminal history information relating to a juvenile compiled by the Criminal Justice Information Program from intrastate sources shall be released as provided in this section. Such information is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, unless such juvenile has been:

1.a. Taken into custody by a law enforcement officer for a violation of law which, if committed by an adult, would be a felony;

2.b. Charged with a violation of law which, if committed by an adult, would be a felony;

3.e. Found to have committed an offense which, if committed by an adult, would be a felony; or

4.d. Transferred to adult court pursuant to part X of chapter 985,

and provided the criminal history record has not been expunged or sealed under any law applicable to such record.

~~2.— This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.~~

(c)1. Criminal history information relating to juveniles, including criminal history information consisting in whole or in part of information that is confidential and exempt under paragraph (b), shall be available to:

- a. A criminal justice agency for criminal justice purposes on a priority basis and free of charge;
- b. The person to whom the record relates, or his or her attorney;
- c. The parent, guardian, or legal custodian of the person to whom the record relates, provided such person has not reached the age of majority, been emancipated by a court, or been legally married; or
- d. An agency or entity specified in s. 943.0585(6) or s. 943.059(6), for the purposes specified therein, and to any person within such agency or entity who has direct responsibility for employment, access authorization, or licensure decisions.

2. After providing the program with all known personal identifying information, the criminal history information relating to a juvenile which is not confidential and exempt under this subsection may be released to the private sector and noncriminal justice agencies not specified in s. 943.0585(6) or s. 943.059(6) in the same manner as provided in paragraph (a). Criminal history information relating to a juvenile which is not confidential and exempt under this subsection is the entire criminal history information relating to a juvenile who satisfies any of the criteria listed in ~~subparagraphs (b)1.-4. sub-subparagraphs (b)1.a.-d.~~, except for any portion of such juvenile's criminal history record which has been expunged or sealed under any law applicable to such record.

3. All criminal history information relating to juveniles, other than that provided to criminal justice agencies for criminal justice purposes, shall be provided upon tender of fees as established in this subsection and in the manner prescribed by rule of the Department of Law Enforcement.

Section 2. Subsection (2) of section 985.04, Florida Statutes, is amended to read:

985.04 Oaths; records; confidential information.—

(2)(a)~~1~~. Notwithstanding any other provisions of this chapter, the name, photograph, address, and crime or arrest report of a child:

1.a. Taken into custody by a law enforcement officer for a violation of law which, if committed by an adult, would be a felony;

2.b. Charged with a violation of law which, if committed by an adult, would be a felony;

3.e. Found to have committed an offense which, if committed by an adult, would be a felony; or

4.d. Transferred to adult court pursuant to part X of this chapter,

are not considered confidential and exempt from s. 119.07(1) solely because of the child's age.

~~(b)2.~~ A public records custodian may choose not to electronically publish on the custodian's website the arrest or booking photographs of a child which are not confidential and exempt under this section or otherwise restricted from publication by law; however, this paragraph ~~subparagraph~~ does not restrict public access to records as provided by s. 119.07.

~~(b) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 3. This act shall take effect October 1, 2021.

Approved by the Governor June 17, 2021.

Filed in Office Secretary of State June 17, 2021.